

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION - DETROIT**

IN RE:

Keith A. Larson,
Karen E. Larson,

DEBTORS.

CHAPTER 13
CASE NO. 14-52202-MBM
JUDGE MARCI B. MCIVOR

TRUSTEE'S MOTION TO DISMISS CHAPTER 13 CASE

NOW COMES the Chapter 13 Standing Trustee in this matter, David Wm. Ruskin, and moves this Honorable Court to dismiss the debtors' Chapter 13 case, and in support thereof states as follows:

1. Debtors, Keith and Karen Larson, commenced this case by filing a voluntary petition under Chapter 13 of the United States Bankruptcy Code on July 25, 2014.

2. The First Meeting of Creditors pursuant to Section 341 of the United States Bankruptcy Code was scheduled for September 8, 2014, at 10:00 a.m. Neither debtor-husband nor debtor-wife appeared for the First Meeting of Creditors as scheduled. Debtor's failure to appear for the First Meeting of Creditors as scheduled constitutes unreasonable delay by the debtors that is prejudicial to creditors. Therefore, dismissal of this case is appropriate pursuant to 11 U.S.C. Section 1307(c)(1).

3. Pursuant to 11 U.S.C. Section 1326, debtors' first payment was due to the Trustee not later than August 24, 2014. As of the date of this Motion, debtors have failed to remit to the Trustee any sums whatsoever. Debtors' failure to commence making timely payments as required by 11 U.S.C. Section 1326 constitutes further grounds for dismissal of this case pursuant to 11 U.S.C. Section 1307(c)(4).

4. Based upon debtors' Chapter 13 Plan and information provided at the First Meeting of Creditors, debtors have not filed Federal Tax Returns for the years 2012 or 2013. 11 U.S.C. Section 1308 requires that not later than the day before the date on which the First Meeting of Creditors is first scheduled to be held, the debtors shall file with the appropriate taxing authorities all tax returns required for all taxable periods ending during the four year period ending on the date of the filing of the Petition. Pursuant to 11 U.S.C. Section 1307(e), upon the failure of the debtor to file a tax return as required by Section 1308, the Court shall dismiss the case or convert the case to a case under Chapter 7 of the United States Bankruptcy Code, whichever is in the best interest of creditors or the estate.

5. Debtors have failed to file all tax returns required by 11 U.S.C. Section 1308, therefore, conversion or dismissal is mandated by 11 U.S.C. Section 1307(e).

WHEREFORE, your Trustee requests this Court enter its Order dismissing this case and granting such other relief as is just.

OFFICE OF DAVID WM. RUSKIN, STANDING CHAPTER 13 TRUSTEE

Dated: September 9, 2014 By: /s/ Thomas D. DeCarlo

LISA K. MULLEN (P55478)
THOMAS D. DECARLO (P65330)
Attorneys for Chapter 13 Trustee, David Wm. Ruskin
1100 Travelers Tower
26555 Evergreen Road
Southfield, MI 48076-4251
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ORDER DISMISSING CHAPTER 13 CASE

This matter came on for hearing upon a Motion filed by the Chapter 13 Standing Trustee pursuant to E.D. Mich. LBR 9014-1, a Notice of Trustee's Motion to Dismiss Chapter 13 Case having been provided, and the Court being otherwise sufficiently advised in the premises;

IT IS HEREBY ORDERED that the above captioned proceeding is hereby dismissed;

IT IS FURTHER ORDERED that the Clerk's Office shall immediately provide notice of the entry of this Order to all creditors listed in this case, the debtors, debtors' attorney, if any, and the Trustee;

IT IS FURTHER ORDERED that the Chapter 13 Standing Trustee shall be allowed an administrative expense in the amount of \$100.00 to defray the cost of administering the case to date.

IT IS FURTHER ORDERED that David Wm. Ruskin, Trustee, is discharged as Trustee and the Trustee and his surety are released from any and all liability on account of the within proceedings.

EXHIBIT 1

**UNITED STATES BANKRUPTCY COURT
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IN RE:

KEITH A. LARSON,
KAREN E. LARSON,

DEBTORS.

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AKA or DBA (if any):

Address(es):
34576 Fairfax
Livonia, MI 48152-0000

34576 Fairfax
Livonia, MI 48152-0000

Social Security Number(s):
XXX-XX-0689 XXX-XX-9159

Employer's Tax Identification (EIN) No(s). (if any):

NOTICE OF TRUSTEE'S MOTION TO DISMISS CHAPTER 13 CASE

The Chapter 13 Trustee has filed papers with the Court to dismiss the debtors' Chapter 13 Case.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult with one.)

If you do not want the Court to dismiss the debtors' case, or if you want the Court to consider your views on the Trustee's Motion, within 14 days, you or your attorney must:

1. File with the Court a written response or an answer, explaining your position at:*

United States Bankruptcy Court
211 W. Fort Street, Suite 2100
Detroit, MI 48226

If you mail your response to the Court for filing, you must mail it early enough so the court will receive it on or before the date stated above. You must also mail a copy to:

OFFICE OF THE CHAPTER 13 STANDING TRUSTEE
ATTN: MOTION DEPARTMENT
1100 Travelers Tower
26555 Evergreen Road
Southfield, MI 48076-4251

2. If a response or answer is timely filed and served, the clerk will schedule a hearing on the Motion and you will be served with a notice of the date, time and location of the hearing.

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the Motion and may enter an Order granting that relief.

OFFICE OF DAVID WM. RUSKIN, STANDING CHAPTER 13 TRUSTEE

Dated: September 9, 2014

By: /s/ Thomas D. DeCarlo
LISA K. MULLEN (P55478)
THOMAS D. DECARLO (P65330)
Attorneys for Chapter 13 Trustee, David Wm. Ruskin
1100 Travelers Tower
26555 Evergreen Road
Southfield, MI 48076-4251
Telephone (248) 352-7755

EXHIBIT 2

*Response or answer must comply with F.R.CIV.P. 8(b), (c) and (e)

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**CERTIFICATE OF SERVICE OF TRUSTEE'S
MOTION TO DISMISS CHAPTER 13 CASE**

I hereby certify that on September 9, 2014, I electronically filed the Trustee's Motion to Dismiss Chapter 13 Case, Notice and Opportunity for Hearing and Proposed Order with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

The following parties were served electronically:

ACCLAIM LEGAL SERVICES PLLC
8900 E 13 MILE RD
WARREN, MI 48093-0000

The following parties were served via First Class Mail at the addresses below by depositing same in a United States Postal Box with the lawful amount of postage affixed thereto:

Keith A. Larson
Karen E. Larson
34576 Fairfax
Livonia, MI 48152-0000

/s/ Jayme L. DePriest
Jayme L. DePriest
For the Office of the Chapter 13 Standing Trustee-Detroit
1100 Travelers Tower
26555 Evergreen Road
Southfield, MI 48076-4251
(248) 352-7755

EXHIBIT 4